REMARKS

As the claims are not currently amended, a claim listing is not included with the present Response. Assuming that the Amendment of November 9, 2010 will be entered, claim 1 is the sole pending claim.

In the Final Office Action, independent claim 1, as well as dependent claims 3, 5-7 and 9-12 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,254,348 to Hoffman et al. in view of U.S. Patent No. 5,185,212 to Spada et al. and WO 86/06281 to Wick. As discussed in the Amendment of November 9, 2010, this rejection was rendered moot, as the features of canceled claim 13 were incorporated into claim 1.

Dependent claim 13 was been rejected under 35 U.S.C. §103(a) as being unpatentable over Hoffman, Spada and Wick, further in view of U.S. Patent No. 6,632,906 to Kamiyama. In addition to the arguments submitted in the Amendment of November 9, 2010, Applicants respectfully submit the following.

Claim 1 recites a tulobuterol adhesive patch which comprises, *inter alia*, an acrylic-based pressure-sensitive adhesive agent which is a copolymer of 2-acetoacetoxyethyl (meth)acrylate, diacetoneacrylamide, tetraethyleneglycol dimethacrylate, 2-ethylhexylacrylate and methylmethacrylate.

On p. 9, the Final Action suggested that Applicants provide data concerning the acetoacetoxyethyl (meth)acrylate (AAEM) of claim 1, and specifically how it compares to the styrene-1,3-diene-styrene (SDS) block copolymer of Hoffman. As discussed in the Amendment of November 9, 2010, there is no comparison that can be made between the AAEM of claim 1 and the SDS of Hoffman. However, Applicants have calculated the amount and ratio of AAEM in Example 1 of the present specification (as discussed in ¶27), and compared the same to the Examples of Spada. This data is shown in the Tables below.

Table 1
Amount and Ratio of AAEM in Example 1 of the Instant Application

	2-EHA	Methyl -meth -acrylate	Diacetone -acrylamide	Tetraethylene -glycol -dimethacrate	AAEM	Total
Amount (g)	158	76.2	80.3	1.0	35.1	350.6
Ratio (%)	45.07	21.73	22.9	0.29	10.01	100

Table 2
Ratio of AAEM in Examples 1 of Spada (%)

	2-EHA	MA	BA	AA	MAA	AAEM
Example 2			96.5		1.5	2
Example 4	71	26		2		1
Example 5	71	25		2		2
Example 7			96	3		1
Example 9	96			3		1
Example 11	48		48	3		1

In the above tables, the abbreviations are as follows:

2-EHA: 2-ethylhexlyacrylate
MA: Methyl Acrylate
BA: Butyl Acrylate
AA: Acrylic Acid
MMA: Methacrylic Acid
AAEM: 2-acetoacetoxyetylmethacrylate

As can be seen from a comparison of Table 1 and Table 2, the ratio of AAEM in the present application is entirely different from the amount in Spada. In the present application, as shown in Table 1, the amount of AAEM in the adhesive agent is 10.01% in Example 1. This reflects the 10-45% recited in claim 1. In Spada, by contrast, the amount varies from 1-2%. This is a significant difference, as the ratio of AAEM in the adhesive agent of the present claims is at least five times greater than what is shown in

the cited references. Similar differences can be seen with the other components of the adhesive patch, such as 2-EHA.

This difference is further support of the patentability of claim 1. The cited combination of references do not disclose or suggest in any way an adhesive agent with the comparatively high amount of AAEM recited in claim 1. As Spada discloses much smaller amounts of AAEM, one skilled in the art could not derive the adhesive agent of claim 1 based on the teachings of Hoffman and Spada.

Accordingly, claim 1 is patentable over Hoffman, Spada, Wick, and Kamiyama. Applicants respectfully request reconsideration and withdrawal of the rejection.

In view of the foregoing, Applicants respectfully submit the present application is in condition for allowance. Such action is solicited.

Respectfully submitted,

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